THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 20124 of 2005

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Dated: 21.09.2005

Between:

Kancherla Sivaiah, S/o.Guravaiah,
R/o.Garapadu Vikllage, Pedakurapadu Mandal

and others.

.....PETITIONERS

AND

The Branch Manager, State Bank of India,

Pedakurapadu Branch, Pedakurapadu,

Guntur District.

.....RESPONDENT

ORDER:

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This writ petition is filed seeking a declaration that the action of respondents in

deducting the crop insurance premium at the rates of 4.5% and 2.5% from the crop loans to be advanced to the petitioners for the crop season of 2005-2006, is arbitrary and illegal.

Learned counsel for petitioners contended that the respondent is deducting the crop insurance premium from the crop loans advanced to the petitioners at the rates of 4.5% and 2.5% without their consent and therefore, the same is illegal and liable to be set aside.

On the other hand, learned standing counsel appearing for the respondent contended that as per Section 3 of the National Agricultural Insurance Scheme, the petitioners, being loanee farmers, have to compulsorily contribute to that scheme and that the said scheme was also upheld by a Division Bench of this Court in the case of ***Andhra Pradesh Rythu Sangham Vs. Union of India*** and therefore, there is no violation of legal or statutory right of the petitioners.

However, the learned counsel for the petitioners argued that the decision in the said case has no application to this case.

This matter is squarely covered by the decision of the Division Bench of this Court in the above case, wherein the scheme of National Agricultural Insurance Scheme was upheld. Therefore, a Mandamus cannot be granted directing the respondents to act contrary to the said scheme.

The writ petition is devoid of merits and the same is accordingly dismissed. No costs.

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21.09.2005

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